

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE AUGUST 20, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 79

**Introduced by Assembly Member Havice
(Coauthors: Assembly Members Robert Pacheco, Strom-Martin,
and Negrete McLeod)**

January 4, 2001

An act to amend Section 35294.2 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 79, as amended, Havice. School safety.

Existing law provides that each school district and county office of education is responsible for the overall development of comprehensive school safety plans for its schools operating kindergarten and any of grades 1 to 12, inclusive. Under existing law, a comprehensive school safety plan is required to identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including the development of, among other things, child abuse reporting procedures and disaster procedures.

This bill would require the State Department of Education to develop model policies on the prevention of bullying and on conflict resolution and to make the model policies available to school districts. The bill

would authorize a school district to adopt one or both of the policies for incorporation into its school safety plan.

~~This bill would also require a comprehensive school safety plan to include the development of a policy on the prevention of bullying and a policy on conflict resolution. These additional requirements would impose a state-mandated local program on county offices of education and school districts.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 35294.2 of the Education Code is
- 2 amended to read:
- 3 35294.2. (a) The comprehensive school safety plan shall
- 4 include, but not necessarily be limited to, the following:
- 5 (1) Assessing the current status of school crime committed on
- 6 school campuses and at school-related functions.
- 7 (2) Identifying appropriate strategies and programs that will
- 8 provide or maintain a high level of school safety and address the
- 9 school's procedures for complying with existing laws related to
- 10 school safety, which shall include the development of all of the
- 11 following:
- 12 (A) Child abuse reporting procedures consistent with Article
- 13 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the
- 14 Penal Code.
- 15 (B) Disaster procedures, routine and emergency.
- 16 (C) Policies pursuant to subdivision (d) of Section 48915 for
- 17 pupils who committed an act listed in subdivision (c) of Section

1 48915 and other school-designated serious acts which would lead
2 to suspension, expulsion, or mandatory expulsion
3 recommendations pursuant to Article 1 (commencing with
4 Section 48900) of Chapter 6 of Part 27.

5 (D) Procedures to notify teachers of dangerous pupils pursuant
6 to Section 49079.

7 (E) A sexual harassment policy, pursuant to subdivision (b) of
8 Section 231.5.

9 (F) The provisions of any schoolwide dress code, pursuant to
10 Section 35183, that prohibits pupils from wearing “gang-related
11 apparel,” if the school has adopted such a dress code. For those
12 purposes, the comprehensive school safety plan shall define
13 “gang-related apparel.” The definition shall be limited to apparel
14 that, if worn or displayed on a school campus, reasonably could be
15 determined to threaten the health and safety of the school
16 environment. Any schoolwide dress code established pursuant to
17 this section and Section 35183 shall be enforced on the school
18 campus and at any school-sponsored activity by the principal of
19 the school or the person designated by the principal. For the
20 purposes of this paragraph, “gang-related apparel” shall not be
21 considered a protected form of speech pursuant to Section 48950.

22 (G) Procedures for safe ingress and egress of pupils, parents,
23 and school employees to and from school.

24 (H) A safe and orderly environment conducive to learning at
25 the school.

26 (I) The rules and procedures on school discipline adopted
27 pursuant to Sections 35291 and 35291.5.

28 ~~(J) A policy on the prevention of bullying.~~

29 ~~(K) A policy on conflict resolution.~~

30 (b) It is the intent of the Legislature that schools develop
31 comprehensive school safety plans using existing resources,
32 including the materials and services of the School Safety
33 Partnership, pursuant to Chapter 2.5 (commencing with Section
34 32260) of Part 19. It is also the intent of the Legislature that schools
35 use the handbook developed and distributed by the School/Law
36 Enforcement Partnership Program entitled “Safe Schools: A
37 Planning Guide for Action” in conjunction with developing their
38 plan for school safety.

1 (c) Grants to assist schools in implementing their
2 comprehensive school safety plan shall be made available through
3 the School Safety Partnership as authorized by Section 32262.

4 (d) Each schoolsite council or school safety planning
5 committee in developing and updating a comprehensive school
6 safety plan shall, where practical, consult, cooperate, and
7 coordinate with other schoolsite councils or school safety planning
8 committees.

9 (e) The comprehensive school safety plan shall be evaluated
10 and amended, as needed, by the school safety planning committee
11 no less than once a year to ensure that the comprehensive school
12 safety plan is properly implemented. An updated file of all
13 safety-related plans and materials shall be readily available for
14 inspection by the public.

15 (f) The comprehensive school safety plan, as written and
16 updated by the schoolsite council or school safety planning
17 committee, shall be submitted for approval under subdivision (a)
18 of Section 35294.8.

19 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
20 ~~Code, if the Commission on State Mandates determines that this~~
21 ~~act contains costs mandated by the state, reimbursement to local~~
22 ~~agencies and school districts for those costs shall be made pursuant~~
23 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
24 ~~2 of the Government Code. If the statewide cost of the claim for~~
25 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
26 ~~reimbursement shall be made from the State Mandates Claims~~
27 ~~Fund.~~

28 (g) *The State Department of Education shall develop model*
29 *policies on the prevention of bullying and on conflict resolution*
30 *and make the model policies available to school districts. A school*
31 *district may adopt one or both of these policies for incorporation*
32 *into its school safety plan.*